

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

*In the Matter of:*

Ruth Post Office  
Ruth, Mississippi 39662

Docket No. A2012-12

**COMMENTS OF UNITED STATES POSTAL SERVICE**  
(December 8, 2011)

On October 13, 2011, the Postal Regulatory Commission received a letter (Petition) seeking review of the Post Office discontinuance affecting the Ruth, Mississippi Post Office. By means of its *Notice and Order Accepting Appeal and Establishing Procedural Schedule*, Order No. 911 (October 19, 2011), the Postal Regulatory Commission (PRC or Commission) docketed the Petition as an appeal of the final determination to discontinue the Ruth, Mississippi Post Office, assigning PRC Docket No. A2012-12. That Order, at page 5, set December 7, 2011 as the date for filing of the Postal Service answering brief. This pleading responds to that directive.<sup>1</sup>

As the Final Determination to Close the Ruth, MS Post Office and Continue to Provide Service by Rural Route Service (Final Determination or FD) observes,<sup>2</sup> the Ruth

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<sup>1</sup> These Comments are accordingly one day late owing largely to both minor health challenges and the press of other business. The current wave of Post Office discontinuance appeals to the Commission presents something of a logistical challenge to both the Commission and the Postal Service. Given the apparent absence of any possibility that prejudice could arise from this one day late filing, the interest in minimizing any unnecessary utilization of scarce resources by the Commission in A-series dockets (such as the need to rule on a formal motion), and discussion of this procedural approach with—but no blessing by—a Commission staff member, no formal motion for late acceptance accompanies these Comments. In what the Postal Service hopes will be a final order affirming the Final Determination to discontinue the Ruth Post Office, the Commission is hereby requested to acknowledge whether the absence of a formal motion is or was reasonable. If not, then the Postal Service requests that this footnote be construed as a motion for late acceptance.

<sup>2</sup> Additional and pertinent supporting materials for this paragraph include the Post Office Closing or Consolidation Proposal Fact Sheets (Items 15, 18 and 42), Analysis of 60-Day Posting Comments (Item 40), Proposal (Item 33), Community Survey Sheet (Item 16), Surveys of incoming and dispatched mail (Items 11 and 12, respectively), Window Transaction Survey (Item 10), and Form 150, Postmaster Workload Information together with Work Service Credit calculation (Items 8-9).

Post Office is an EAS-13 level office open approximately 36 hours per week. On Saturdays, the Post Office Boxes can be accessed although the retail window does not open. The Ruth Post Office is located in an unincorporated community whose police services are provided by Lincoln County; Ruth has its own volunteer fire company. The former postmaster retired May 1, 2011 from an office that has seen recent declines in retail traffic (from a little above \$26,000 in 2008 to about \$23,300 in 2010). Retail workload averages about 21 minutes per day for 39 P.O. Box customers and 573 rural route customers (about six percent of whom are apparently businesses and charitable institutions).

A discontinuance study was authorized on May 16, 2011 (Item 1). Proposed replacement service consisted of the existing rural route carrier service (Dear Customer letter (Item 21)), with the Jayess Post Office (EAS-16 and 7.8 miles away with 52 available P.O. Boxes (Items 42 and 33)) as the administering office. The Final Determination confirms that replacement service did not change materially from that originally suggested to customers.

Estimated savings consist of an EAS-13 postmaster's salary, including fringe benefits, plus the avoided lease costs, for a total of \$50,609. See FD and Proposal, both at section IV. Since the discontinuance entails loss of the permanent postmaster position, that portion is evaluated appropriately. The lease has a 30-day termination clause (Item 42), so annualizing its avoided costs is also reasonable. Costs for replacement service are quantified as zero; however, since over 570 customers already utilize rural carrier delivery, they could not be the source of replacement service costs. The existing 39 P.O. Box customers could trigger additional cost should they elect

carrier delivery (assuming they do not already have it). At least as of the timing of the Final Determination (Item 15 at 2<sup>3</sup>), none of them had evinced any intention of making a change that would increase costs of replacement service. Yet, as the Commission can observe from its review of other final determinations (and Item 15 at 2), the cost per delivery point on a rural carrier route is rather modest; so even if all the P.O. Box customers ultimately chose to initiate new carrier delivery points, the overall magnitude of the calculated savings would be modest. In any event, the administrative record indicates that, if anything, P.O. Box customers would choose to obtain service somewhere other than at the Jayess Post Office. See, e.g., Item 21 at 3 (customer Smith already has Brookhaven P.O. Box); Item 34 at 1 (White Comment form expresses interest in a P.O. Box located in Brookhaven or McComb, but not Jayess).

Given the recent retirement of the former postmaster in Ruth, the Final Determination will have no impact upon career postal employees. The noncareer postmaster relief employee installed as officer-in-charge (OIC) may be separated if the Ruth Post Office is formally discontinued. FD section III. The nature of Post Office discontinuance matters is that they add uncertainty to the timing by, at least, postponing the finality of discontinuance. This adds challenge for local management, who are usually interested in finding a position for any noncareer employee who loses a job upon finalization of a discontinuance.<sup>4</sup> But since the availability of nearby positions suitable to a noncareer employee varies over time, actually placing such employees can only be decided when the time comes. So while the Ruth OIC may well be placed in a

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<sup>3</sup> This Item also reflects the absence of any apparent request for, or agreement to install, a Cluster Box Unit, which the Final Determination does recognize as possible (advantage 4 in section II).

<sup>4</sup> See Final Determination section VI, ¶ 2 ("If the office has a noncareer PMR(s), they may be separated from the Postal Service; however, attempts will be made to reassign the employee(s) to a nearby facility.")

position, apparently that has not been done by the time the administrative record closed.

The Final Determination and administrative record identify various grounds to support the former's conclusion. These include the vacancy in the postmaster position, the decline in retail traffic, the low workload, the availability of service through rural carriers and nearby Post Offices, savings to the Postal Service, lack of impact upon career employees, and limited impact upon the community or its identity. Of course, discontinuance also involves the loss of a retail unit in the community.

Just one document was filed with the Commission by customers of the Ruth Post Office: a Petition was filed in the form of a letter from Bonnie Ard on October 13, 2011. The Petition raises several points, including: 1) the Postal Service misplaced most of the signature pages for a petition submitted by customers; 2) the Topisaw Creek Water Association (TWCA) is more than 8 miles from the Ruth Post Office; 3) TWCA and another business both are impacted; 4) the MPOO at the community meeting was unable to describe impacts upon addresses; 5) offices other than the Ruth Post Office might be better discontinuance candidates; 6) Ruth as a community is growing both in terms of residents and mail volume; 7) facts were hidden before the Final Determination, and 8) that customers oppose the discontinuance. While responses are available to some of these, none of them rise to the level of establishing that any of the statutory standards of review applied by the Commission warrant an outcome other than affirmation of the Final Determination.

Even assuming Petitioner's criticism of the MPOOs statements about customer addresses during the community meeting were substantial and meaningful, the administrative record and Final Determination contains no ambiguity about customer addresses. Customers whose P.O. Box locations change will see address changes, while others will not. No other customers were apparently confused by this, which happens also to be consistent with the general pattern applicable to discontinuance decisions.

The Postal Service apparently did misplace some of the signature pages for the petition submitted during the discontinuance study; however, these were supplied by both the Petitioner and (later) in supplements to the administrative record filed by the Postal Service. In any event, the import of the petition, and its demonstration of customer opposition to the discontinuance was not affected. The Postal Service understood this when the Final Determination was signed and posted.

The significance of the distance between TWCA and the Ruth Post Office is not obvious. However, the community meeting was held at TWCA, so the import could be that this was too far from the Ruth Post Office. Given the attendance of 50 customers at that meeting, and the subsequent submission of a petition with over 500 customer signatures, it does not appear that the distance involved had any material impact. The Postal Service would agree that the two larger mailers also suffer impacts from discontinuance; however, such impacts were not apparently sufficient for those customers to raise such points on their behalf (although it is possible that representatives of either mailer signed the petition.) Notwithstanding, the Postal Service did, as the law requires, consider impacts upon all customers.

Petitioner's fifth point about the relative suitability of other offices for discontinuance may well be meaningful. However, applicable law requires that the Postal Service focus upon a particular office when conducting a discontinuance study. It did this and has reached legally sufficient and significant conclusions based upon substantial record evidence. Had it approached this context by looking at a group of perhaps five offices and then evaluated which among them were best suited to discontinuance, then the merits of Petitioner's argument might be more meaningful.

Petitioner's sixth point (community growth) is not supported by substantial record evidence. However, were that true, any such growth has been insufficient to stem the decline in retail traffic at the Ruth Post Office demonstrated in the record. In any event, the availability of nearby Post Offices and non-city delivery should be sufficient to manage any growth of this scale for some time into the future.

What facts were supposedly hidden before the final determination cannot be ascertained from the administrative record. Petitioner does not help by failing to cite any express example. If, however, as could be implied by the syntax of the Petition's penultimate paragraph, what was hidden consists of the extra signature pages to the petition, that has already been addressed above. Customers did and do oppose discontinuance of the Ruth Post Office; that much is plain. The Postal Service has, however, followed the requisite procedures, engaged in an appropriately transparent discontinuance study in which it shares tentative plans with customers and seeks their input on a wide range of topics; the Final Determination properly rests upon the factual foundation presented by the administrative record, reflection consideration of all customers' views, and should accordingly be affirmed.

The Commission should affirm the Final Determination to discontinue the Ruth Post Office.

Respectfully submitted,

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